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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

LUIS RAFAEL FLORES,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

Case No. 1:21-cv-01463-EPG

STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT; ORDER

(ECF No. 14)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of SIX HUNDRED FIFTY-TWO DOLLARS and 62/100 (\$652.62) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and cost in the amount of zero dollars (\$0.00) under 28 U.S.C. §1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses  
3 and costs to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any  
4 payments made shall be delivered to Plaintiff's counsel, Jonathan O. Peña.

5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
6 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or  
7 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
8 and all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA  
9 attorney fees in connection with this action.

10 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social  
11 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the  
12 EAJA.

13 Respectfully submitted,

14 Dated: August 25, 2022

15 /s/ Jonathan O. Peña  
16 JONATHAN O. PEÑA  
17 Attorney for Plaintiff

18 Dated: August 25, 2022

19 PHILLIP A. TALBERT  
20 United States Attorney  
21 PETER K. THOMPSON  
22 Acting Regional Chief Counsel, Region IX  
23 Social Security Administration

24 By: \* Caspar I. Chan  
25 Caspar I. Chan  
26 Special Assistant U.S. Attorney  
27 Attorneys for Defendant  
28 (\*Permission to use electronic signature  
obtained via email on August 25, 2022).

## **ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (ECF No. 14), IT IS ORDERED that fees and expenses in the amount of SIX HUNDRED FIFTY-TWO DOLLARS and 62/100 (\$652.62) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: August 26, 2022

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE